

**REMARKS**

Claims 1-25 have been examined and have been rejected under 35 U.S.C. § 112, second paragraph, as well as under the doctrine of obviousness-type double patenting. In addition, claims 1, 3-8, 10-20 and 22-25 have been rejected under 35 U.S.C. § 102(a) and (b), and claims 1, 2, 6, 9, 15, 16, 20 and 21 have been rejected under 35 U.S.C. § 102(b).

**I. Preliminary Matters**

By this Amendment, Applicant has incorporated the features of claim 4 into claim 1 and has canceled claim 4, without prejudice or disclaimer.

The Examiner has objected to the drawings. In particular, the Examiner maintains that Figures 3(L) and 3(R) should be designated as “prior art.” However, similar to Figures 4 and 5, Applicant labels Figures 3(L) and 3(R) as “related art.” Applicant submits that Figures 3(L) and 3(R) are not prior art.

Also, the Examiner maintains that the drawings do not show the claimed features of, “on a corner,” and “a first hinge part.” Applicant assumes that the Examiner is referring to the recitations of claims 8, 12, 20 and 24. In view of the amendments to the claims, however, Applicant submits that no new or corrected figures are necessary.

Finally, the Examiner returned the PTO 1449 form from the March 15, 2004 Information Disclosure Statement. However, the Examiner did not initial the Non-Patent Literature document cited therein. Accordingly, Applicant is providing herewith another PTO 1449 form

with a circle placed around the remaining document. Applicant respectfully requests the Examiner to initial the remaining document.

## **II. Rejections under 35 U.S.C. § 112, second paragraph**

The Examiner has rejected claims 1-25 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Applicant has amended the claims in a manner believed to overcome the extensive rejections. In regard to claim 15, the Examiner requests the Applicant to identify the structure that performs the “means” recitation. Accordingly, Applicant refers the Examiner to the projections as shown by elements 6a, 6b in Figures 1 and 2 and elements 16a and 16b in Figures 6, 7 and 10. The elements are described on, for example, page 10, lines 10-15, page 11, lines 16-21 and page 18, lines 11-21.

Also, the Examiner has objected to the term “substantially” in at least claims 13, 14, 18, 19 and 25. However, as set forth in MPEP §2173.05(b), the use of the term “substantially” is acceptable. Applicant submits that one of ordinary skill in the art would understand what is meant by “substantially equal,” etc.

## **III. Rejections under Doctrine of Obviousness-Type Double Patenting**

The Examiner has rejected claims 1-25 under the doctrine of obviousness-type double patenting in view of claim 1-11 of U.S. Patent No. 6,837,372 (the parent Application). Without

conceding to the Examiner's statements, Applicant submits herewith a terminal disclaimer, thereby overcoming the rejection.

**IV. Rejections under 35 U.S.C. § 102(a) or (b) in view of the alleged prior art Figures 4 and 5 of present Application**

The Examiner has rejected claims 1, 3-8, 10-20 and 22-25 under 35 U.S.C. § 102(a) or (b) in view of Figures 4 and 5 of the Application which the Examiner alleges to be prior art.

Applicant submits, however, that Figures 4 and 5 are labeled as "related art," rather than "prior art." Applicant submits that Figures 4 and 5 do not constitute prior art under 35 U.S.C. § 102. Rather, the figures are merely in-house knowledge and have never been published or made public.

Since Figure 4 and 5 of the present invention do not constitute prior art, Applicant submits that the rejection of claims 1, 3-8, 10-20 and 22-25 is moot.

**V. Rejections under 35 U.S.C. § 102(b) in view of JP 57-174320 ("JP '320")**

The Examiner has rejected claims 6, 9, 15 and 21 under 35 U.S.C. § 102(b) as allegedly being anticipated by JP '320.

**A. Claims 6 and 15**

Claims 6 and 15 recite locking portions having a first projection on a containing part and a second projection on a lid part. The Examiner alleges that elements 5 and 5' of JP '320 disclose the claimed projections. However, as shown in at least Figures 2 and 3 of the reference, elements 5 are *recesses*, not projections. Applicant submits that such interpretation of a "recess" is against the ordinary and customary meaning of the term. Applicant notes that nothing in the specification supports such a contrary interpretation of the term "recess."

In view of the above, Applicant submits that JP '320 fails to teach or suggest that both the lid part and the containing part of the container have projections that are can be engaged with each other.

**B. Claims 9 and 21**

Since claims 9 and 21 are dependent upon one of claims 6 or 15, Applicant submits that such claims are patentable at least by virtue of their dependency.

**VI. Rejections under 35 U.S.C. § 102(b) in view of JP 61-141283 ("JP '283")**

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 102(b) as allegedly being anticipated by JP '283.

**A. Claim 1**

Claim 1 recites a lid part projection that is engagable with a container part projection. The Examiner alleges that the grooves 19 and 20 of JP '283 disclose the claimed projections

(Fig. 1). Applicant submits that such interpretation of a “groove” is against the ordinary and customary meaning of the term. Applicant notes that nothing in the specification supports such a contrary interpretation of the term.

In view of the above, Applicant submits that JP ‘283 fails to teach or suggest that both the lid part and the containing part of the container have projections that are can be engaged with each other.

**B. Claim 2**

Since claim 2 is dependent upon claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

**VII. Rejections under 35 U.S.C. § 102(b) in view of U.S. Patent No. 4,886,204 to Kalmanides (“Kalmanides”)**

The Examiner has rejected claims 1, 2, 15, 16 and 20 under 35 U.S.C. § 102(b) as allegedly being anticipated by Kalmanides.

**A. Claims 1 and 15**

The Examiner maintains that the interlocking portions 24 and 26 of Kalmanides disclose the claimed projections. Applicant submits, however, that the portion 26 of Kalmanides projects from an *outer* surface of the lid 12 and therefore does not project toward an *inside* of the lid 12, in a manner as recited in the claims. Accordingly, Applicant submits that claims 1 and 15 are patentable over the cited reference.

**B. Claims 2, 16 and 20**

By this Amendment, Applicant has incorporated the features of claim 16 into claim 15. Accordingly, claim 16 has been canceled, without prejudice or disclaimer.

In regard to claims 2 and 20, Applicant submits that such claims are patentable at least by virtue of their dependency upon claim 1 or claim 15.

**VIII. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

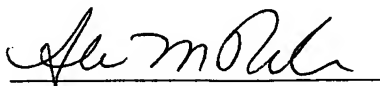
Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

  
Allison M. Tulino  
Registration No. 48,294

Date: September 28, 2006

Amendment under 37 C.F.R. § 1.111  
U.S. Application No. 10/799,882

**AMENDMENTS TO THE DRAWINGS**

Applicant submits herewith a replacement formal sheet of drawings for Figures 3(L) and 3(R).

Attachment: One (1) Replacement Sheet